

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
MARITEL, INC.)	WT Docket No. 04-257
and)	RM-10743
MOBEX NETWORK SERVICES, LLC)	
)	
Petitions for Rule Making to Amend the)	
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)		
Station Licensees)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary

Attention: The Commission

COMMENTS

Mobex Network Services, by its attorney, respectfully submits its Comments in the above captioned matter. In support of its position, Mobex shows the following.

Mobex is the most experienced provider of Automated Maritime Telecommunications Service (AMTS) to the maritime public and to land units ashore. Mobex provides AMTS service over a larger geographic area than any other AMTS licensee. Accordingly, Mobex is well qualified to inform and advise the Commission on the matters raised in the instant matter.

The Commission has been seeking a final resolution of the matters raised in this proceeding for nearly twenty years, see, Amendment of Part 81 of the Rules to Permit Public Coast Stations to Serve Vehicles on Land, 1 FCC Rcd 1312 (1986).¹ To improve the service which AMTS stations provide to maritime units by extending the on-land authority which it provided in 1997, the Commission should adopt the amendment which it has proposed.

Under the authority which the Commission currently provides to AMTS systems, Mobex provides Commercial Mobile Radio Service to both maritime and land units. As permitted, Mobex also provides non-interconnected communications to users ashore. It is clear from Mobex's contacts with its current customers and with prospective customers that

¹ In the 1986 proceeding, Mobex's predecessor in interest, Waterway Communications System, Inc. (WATERCOM) argue[d] that the advent of cellular service, the removal of the restriction against Domestic Public Land Mobile Radio Service (DPLMRS) licensees serving vessels and the prospect of mobile satellite service ensures that public coast stations no longer have a captive market for vessel traffic, Amendment of Part 81 of the Rules to Permit Public Coast Stations to Serve Vehicles on Land, 1 FCC Rcd 1312 (1986). Nevertheless, the Commission decided not to allow public coast and AMTS licensees to provide service to units on land at that time. Recognizing advances in technology, in 1997, the Commission concluded that it serves the public interest to permit VHF public coast stations, including AMTS stations, to serve units on land, both fixed and mobile (including hand-held units). Increasing operational flexibility in this manner expands the range of communications services public coast station licensees may offer and fosters a regulatory environment in which public coast stations may more effectively compete against other CMRS providers, such as cellular, PCS, and SMR, operating in coastal areas which presently have no restrictions on serving vessels located in each CMRS licensees' service area, Second Report and Order and Second FNPRM in PR Docket No. 92-257, 12 FCC Rcd 16949, 16964 (1997). In light of the benefits to the public, the Commission has permitted AMTS systems to provide service to units on land since 1997.

land users would prefer to be able to enjoy non-interconnected communications without regard to the content of the message.

Since 1986, new CMRS services have become available to the maritime community and it appears that many maritime users are migrating to satellite service for their interconnected communications. At the same time, the traditional analog, land based dispatch Specialized Mobile Radio System has become difficult or impossible for an end user to find. In many markets, all SMR channels are used by a cellularized telephone system. Consequently, there is a growing, unserved market for non-interconnected communications ashore. When the Commission's rules are amended as the Commission has proposed, AMTS can fill that need immediately. The ability of AMTS operators to provide non-interconnected service on land to all who need it will help support the provision of CMRS to the maritime community as well as to users on land. Therefore, Mobex strongly supports the Commission's proposals to allow AMTS licensees to provide non-interconnected service to land units and to allow an AMTS licensee to choose between interconnecting or not interconnecting each of its systems in accord with market demand.

The Commission requested comment on how an AMTS system can provide a priority of service to maritime units. At this time, with commercially practicable coast station and end user equipment, the most practical means is for the AMTS licensee to disaggregate its channels and allocate the number of channels solely to maritime service which the licensee believes will be

sufficient to meet the needs of its maritime users. In this method, maritime end user units are programmed to use first the channels which the licensee dedicates to maritime service. If all maritime-designated channels are busy, the maritime unit can then use the land-designated channels. Land units are programmed to use the other channels of the system. In this way, a maritime unit will never be second in priority to a land unit.

A clarification, set forth either in the text of the Commission's action in this matter or as a minor change to the proposed rules, would help provide certainty to AMTS licensees. At proposed rule sections 80.475 (c) and (d), the Commission uses the term "in lieu of". That term may have two meanings. One meaning is "instead of". The other meaning is "in addition to". The Commission appears to have appreciated the ambiguity recently. At paragraph 95 of its Second Report and Order in WT Docket No. 00-230, Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets (FCC 04-167 Released July 8, 2004), the Commission observed that users of a certain service "may need access to a particular licensed spectrum band in lieu of (or perhaps in addition to) gaining access to other bands." The Commission should clearly inform AMTS licensees that they may provide non-interconnected service on a system either instead of *or* in addition to interconnected service.

Conclusion

Mobex has been brief because the virtue of the amendments proposed by the Commission is obvious. For all the foregoing reasons, Mobex respectfully requests that the Commission adopt the amendments to its rules which it has proposed, clarified as suggested herein.

Respectfully submitted,
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Dated: October 12, 2004